



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

July 23, 2010

Ms. Barbara Payne
Galt City Council
REDACTED

RE: Advisory Letter

FPPC File No. 10/584; Protect Galt's Future; Barbara Payne

Dear Ms. Payne:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. The Act requires candidates and committees to file periodic campaign disclosure statements.

The Enforcement Division of the Commission received a complaint alleging that the committee Protect Galt Area's Future ("PGF") made contributions to you in violation of the City of Galt's contribution limit. The Act does not enforce violations of local campaign ordinances. The complainant must address that issue to the Galt City Attorney.

However, in reviewing the complaint, an issue exists that prompts this advisory letter. At the time when PGF decided to receive contributions and make expenditures in connection with the November 2008 election, you may have needed to remove yourself from any further emails or group discussions with PGF. You were involved with PGF at a time when they were raising group awareness of projects within the City and encouraging public participation at council meetings. It appears that you continued in that effort after the group became politically active.

Under the Act if a candidate directly or indirectly has significant influence on the actions or decisions of a committee, the candidate controls that committee. (Section 82016.) The Commission has interpreted that further to mean that where a candidate is a voting member of a committee's leadership, such as the board of directors, he or she is presumed to be a controlling candidate because the candidate probably exercises significant influence on the actions or decisions of the committee. Developing or

implementing strategy with the committee would also constitute control. (Leidigh Advice Letter I-92-547; Madden Advice Letter, No. A-85-197.)

Since we have no direct evidence to indicate that you had significant influence on the actions of the committee, we are closing our investigation on this matter. If, however, you remain active with PGF and they should again become active in an election in the future, it is suggested you contact the FPPC's Technical Assistance Division or seek legal counsel to ensure your actions are not construed as controlling the committee. Additional campaign disclosure and restrictions would apply.

The Commission publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660, Monday through Thursday, between 9:00 a.m. and 4:00 p.m. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact me at (916) 322-8194.

Sincerely

(REDACTED)

Jeanette E. Turvill
Political Reform Consultant
Enforcement Division

JT/jt
cc. Mr. Tim Raboy